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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,681	09/30/2003	David Marmaros	0026-0039	2032

  

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HARRITY SNYDER, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030		

  

EXAMINER	
COLAN, GIOVANNA B	

  

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/673,681	<b>Applicant(s)</b> MARMAROS ET AL.	
	<b>Examiner</b> Giovanna Colan	<b>Art Unit</b> 2162	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8,9,11-14,17-22 and 60-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-9,11-14, 17-22, 60-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is issued in response to applicant filed request for continued examination (RCE) on 03/03/2007.
2. Claims 1 – 2, 5 – 6, 8 – 9, 11 – 12, 14, 17, and 19 – 22 have been amended. Claims 60 – 63 were added. Claims 7, 10, 15 – 16, and 23 – 59 were canceled.
3. Claims 1 – 6, 8 – 9, 11 – 14, 17 – 22, and 60 – 63 are pending in this application.
4. Applicant's arguments with respect to amended claims 1 – 2, 5 – 6, 8 – 9, 11 – 12, 14, 17, and 19 – 22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2006 has been entered.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1 – 6, 8 – 9, 11 – 14, 17 – 22, and 60 – 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awadallah et al. (Awadallah hereinafter) (US Patent App. Pub. 2005/0027699 A1, filed on August 1, 2003) in view of Ortega et al. (Ortega hereinafter) (US Patent No. 6,489,968 B1, filed November 18, 1999).

Regarding Claims 1, Awadallah discloses a method, comprising from a user:  
receiving a search query from a user (Fig. 1, item 102 and 152, Page 4, [0041],  
lines 1 – 2, Awadallah);

receiving first-search results based at least in part on a search performed using the search query (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah);

Awadallah further discloses history database storing information regarding documents previously accessed by the user (Page 4 and 5, [0039] and [0051], lines 6 – 15 and 12 – 15, a previous search history; respectively, Awadallah) and performing a search of a database using the search query obtain a second-search results (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah). However, Awadallah does not expressly disclose: performing this search to a history database. On the other hand, Ortega discloses: performing a search to a history database using the search query to obtain second-search results, the history database storing information regarding documents previously accessed by the user (Col. 11, lines 59 – 64, Ortega); comparing the second- search results to the first-search results to determine whether one of the second-search results is present in the first-search results (Col. 11 – 12, lines 64 – 66 and 3 – 7, "... the process uses this data to count the number of times each item was purchased during the X-day interval..." "...Further, rather than re-counting the full two weeks worth of purchase history data, the process can simply count the purchases made during the last day... and combine these results with those generated for the prior X-1 days...", and Col. 13, lines 40 – 47, "...For each book that the user rated, the "Rating" count is incremented (block 540) for all book categories in which the book falls. For each book placed in the shopping cart, the "Shopping Cart" count is incremented for each book category in which the book

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falls...”; wherein the step of incrementing counts of the books implies that the books are compared, Ortega).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Ortega's teachings to the system of Awadallah. Skilled artisan would have been motivated to do so, as suggested by Ortega (Col. 1 and 2, lines 54 – 57 and 3 – 5; respectively, Ortega), to provide the ability for users to identify the most popular items and categories helps the users locate items that have gained acceptance within a community or within the population at large, and to periodically determine popularity levels based on user activity data. In addition, both of the references (Awadallah and Ortega) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems, search engines, search histories, and adding search results. This close relation between both of the references highly suggests an expectation of success.

Furthermore, the combination of Awadallah in view of Ortega discloses:

adding the one of the second-search results to the first-search results when the one of the second-search results is not present in the first-search results (Col. 13, lines 40 – 54, Ortega);

modifying the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results (Page 6, [0065], lines 20 – 28, Awadallah<sup>1</sup>; and Col. 13, lines 40 – 54, Ortega); and

outputting the first-search results with the added second-search result or the modified second-search result (Page 2, [0020], lines 1 – 8, links displayable on a webpage, Awadallah; and Col. 17, lines 18 – 22, Ortega).

Regarding Claims 2, the combination of Awadallah in view of Ortega discloses a method, wherein the receiving first-search results includes:

transmitting the search query to an external search engine (Fig. 1, item 152, Page 4, [0041], lines 1 – 2, Awadallah), the search engine generating the first search results (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah),

intercepting the first-search results (Page 4, [0044], lines 5 – 9, Awadallah), and parsing the first-search results to identify information contained in the first-search results (Page 4, [0044], lines 5 – 9, selected from candidate results, Awadallah).

Regarding Claims 3, the combination of Awadallah in view of Ortega discloses a method, wherein the performing a search of history database includes:

identifying one or more search terms used in the search query (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah),

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<sup>1</sup> Wherein the step of combining the listing of search results corresponds to the step of modifying the results claimed.

using the one or more search terms to search the history database (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Col. 11, lines 59 – 64, Ortega).

Regarding Claims 4, the combination of Awadallah in view of Ortega discloses a method, wherein the one or more search terms are identified from information returned from a search engine (Page 2, [0023], lines 1 – 4, Awadallah).

Regarding Claims 5, the combination of Awadallah in view of Ortega discloses a method, wherein the first-search results include links to documents (Page 2, [0020], lines 5 – 8, the links comprise the search results, documents, Awadallah).

Regarding Claims 6, the combination of Awadallah in view of Ortega discloses a method, further comprising:

ranking the second-search results by at least one of date (Page 3, para. 3, lines 1 –2, by date, Awadallah), relevancy to the search query (Page 3, para. 3, lines 1 –2, by most visited, Awadallah), or a measure of interest in the second-search results by the user (Page 3, para. 3, lines 1 –2, by most visited, Awadallah).

Regarding Claims 8, the combination of Awadallah in view of Ortega discloses a method, wherein the adding the top one of the second-search results includes:



placing the top one or more of the second-search results at a prominent position in the first-search results (Page 4, [0045], lines 1 – 5, Awadallah).

Regarding Claims 11, the combination of Awadallah in view of Ortega discloses a method, wherein the modifying the one of the second-search results includes:

moving a position of the second-search results within the first-search results (Page 5, [0045], lines 13 – 17, Awadallah; and Col. 7 and 8, lines 45 – 50 and 8 – 12; respectively, Ortega).

Regarding Claims 12, the combination of Awadallah in view of Ortega discloses a method, wherein the moving a position of the one of the second-search results includes moving the one of the second-search results a predetermined number of positions towards a top of the first-search results (Page 5, [0045] and [0052], lines 13 – 17 and 7 – 13, ranking; respectively, Awadallah and Col. 7 and 8, lines 45 – 50 and 8 – 12; respectively, Ortega).

Regarding Claims 13, the combination of Awadallah in view of Ortega discloses a method, wherein the predetermined number of positions is user-configurable (Page 5, [0052], lines 9 – 13, Awadallah).

Regarding Claims 17, the combination of Awadallah in view of Ortega discloses method, wherein the second search results are associated with local documents (Page 2, [0020], lines 5 – 8, Awadallah).

Regarding Claims 18, the combination of Awadallah in view of Ortega discloses a method, wherein the local documents include at least one of e-mails, images, application files, audio files, and video files (Page 2, [0020], lines 5 – 8, Awadallah).

Regarding Claims 19, the combination of Awadallah in view of Ortega discloses a method, wherein the second-search results are associated with local documents and non-local documents (Col. 9 and 13, lines 57 – 62 and 1 – 5; respectively, Ortega).

Regarding Claims 20, the combination of Awadallah in view of Ortega discloses a device, comprising:

means for obtaining first-search results based at least in part on a search performed on a document corpus using a search query from a user (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah);

means for generating second-search results based at least in part on a search performed, using the search query, on information regarding documents previously accessed by the user (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; Col. 11, lines 59 – 64, Ortega);

means for determining whether any of the second-search results match the first-search results (Col. 11 – 12, lines 64 – 66 and 3 – 7, "... the process uses this data to count the number of times each item was purchased during the X-day interval..."

"...Further, rather than re-counting the full two weeks worth of purchase history data, the process can simply count the purchases made during the last day... and combine these results with those generated for the prior X-1 days...", and Col. 13, lines 40 – 47, "...For each book that the user rated, the "Rating" count is incremented (block 540) for all book categories in which the book falls. For each book placed in the shopping cart, the "Shopping Cart" count is incremented for each book category in which the book falls..."; wherein the step of incrementing counts of the books implies that the books are compared, Ortega);

means for adding the one or more of the second-search results to the first-search results when none of the second-search results match the first-search results (Col. 13, lines 40 – 54, Ortega);

means for modifying one of the first-search results when one of the second-search results matches the one of the first-search results (Page 6, [0065], lines 20 – 28, Awadallah<sup>2</sup>; and Col. 13, lines 40 – 54, Ortega);

means for outputting the first-search results with the added one or more second-search results or the modified one of the first-search results (Page 2, [0020], lines 1 – 8, links displayable on a webpage, Awadallah; and Col. 17, lines 18 – 22, Ortega).

Regarding Claims 21, the combination of Awadallah in view of Ortega discloses a system, comprising:

a history database configured to store information regarding document previously accessed by a user (Page 4 and 5, [0039] and [0051], lines 6 – 15 and 12 – 15, a previous search history; respectively, Awadallah; and Col. 11, lines 59 – 64, Ortega); and

a browser assistant (Page 4, [0040], lines 1 – 2, browser, Awadallah) configured to:

obtain first-search results based at least in part on a search performed on a document corpus using a search query (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah),

obtain second-search results based at least in part on a search performed on the history database using the search query (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; Col. 11, lines 59 – 64, Ortega),

determine whether any of the second-search results is included the first-search results (Col. 11 – 12, lines 64 – 66 and 3 – 7, "... the process uses this data to count the number of times each item was purchased during the X-day interval..." "...Further, rather than re-counting the full two weeks worth of purchase history data, the process can simply count the purchases made during the last day... and combine these results with those generated for the prior X-1

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<sup>2</sup> Wherein the step of combining the listing of search results corresponds to the step of modifying the

days...”, and Col. 13, lines 40 – 47, “...For each book that the user rated, the “Rating” count is incremented (block 540) for all book categories in which the book falls. For each book placed in the shopping cart, the “Shopping Cart” count is incremented for each book category in which the book falls...”; wherein the step of incrementing counts of the books implies that the books are compared, Ortega);

add the one or more of the second-search results to the first-search results when one of the second-search results is not included within the first-search results (Col. 13, lines 40 – 54, Ortega);

modify one of the first-search results that corresponds to the one of the second-search results when the one of the second-search results is included within the first-search results (Page 6, [0065], lines 20 – 28, Awadallah<sup>3</sup>; and Col. 13, lines 40 – 54, Ortega); and

present either the first-search results with the added one or more second-search results or the modified one of the first-search results to the user (Page 2, [0020], lines 1 – 8, links displayable on a webpage, Awadallah; and Col. 17, lines 18 – 22, Ortega).

Regarding Claims 22, the combination of Awadallah in view of Ortega discloses a computer-readable medium that stores instructions executable by at least one

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results claimed.

<sup>3</sup> Wherein the step of combining the listing of search results corresponds to the step of modifying the results claimed.

processor to perform a method for providing search results, the computer-readable medium comprising:

instructions for obtaining a search query (Fig. 1, item 152, Page 4, [0041], lines 1 – 2, Awadallah);

instructions for obtaining first-search results based at least in part on an Internet search performed using the search query (Fig. 1, item 154, Page 4, [0036] and [0041], lines 2 – 4, Awadallah);

instructions for performing a search to a history database using the search query to obtain second-search results, the history database storing information regarding documents previously accessed by the user (Col. 11, lines 59 – 64, Ortega);

instructions for comparing the second- search results to the first-search results to determine whether one of the second-search results is included within the first-search results (Col. 11 – 12, lines 64 – 66 and 3 – 7, "... the process uses this data to count the number of times each item was purchased during the X-day interval..." "...Further, rather than re-counting the full two weeks worth of purchase history data, the process can simply count the purchases made during the last day... and combine these results with those generated for the prior X-1 days...", and Col. 13, lines 40 – 47, "...For each book that the user rated, the "Rating" count is incremented (block 540) for all book categories in which the book falls. For each book placed in the shopping cart, the "Shopping Cart" count is incremented for each book category in which the book falls..."; wherein the step of incrementing counts of the books implies that the books are compared, Ortega);

instructions for adding the one of the second-search results to the first-search results when one of the second-search results is not included within the first-search results (Col. 13, lines 40 – 54, Ortega);

instructions for modifying one of the first-search results that corresponds to the one of the second-search results when the one of the second-search results is present within the first-search results (Page 6, [0065], lines 20 – 28, Awadallah<sup>4</sup>; and Col. 13, lines 40 – 54, Ortega);and

instructions for presenting the first-search results with the added one of the second-search results or the first-search results with the modified one of the first-search results (Page 2, [0020], lines 1 – 8, links displayable on a webpage, Awadallah; and Col. 17, lines 18 – 22, Ortega).

Regarding Claims 60, the combination of Awadallah in view of Ortega discloses a method, further comprising:

obtaining one or more advertisements relating to the search query (Page 2 and 5, [0020] and [0046], lines 14 – 18 and 1 – 4; respectively, “a search results page may contain advertisements that were generated in response to a query”, Awadallah); and

presenting the first-search results with the added second-search result or the modified second-search result (Page 2, [0020], lines 1 – 18, links displayable on a webpage, Awadallah), and the one or more advertisements (Page 5, [0046], lines 1 – 4, Awadallah).

Regarding Claims 61, the combination of Awadallah in view of Ortega discloses a method, wherein the obtaining one or more advertisements includes:

sending the search query to an external server (Page 4, [0040], lines 5 – 10, Awadallah), and

obtaining, from the external server, the one or more advertisements that relate to the search query (Page 5, [0046], lines 1 – 7, Awadallah).

Regarding Claims 62, the combination of Awadallah in view of Ortega discloses a method, wherein the performing the search of the history database includes:

performing a local search using the search query without transmitting the search query on a network (Col. 11, lines 59 – 64, Ortega).

Regarding Claims 63, the combination of Awadallah in view of Ortega discloses a method, wherein receiving the first-search results includes:

transmitting the search query on a network to an external search engine (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah), and

receiving the first-search results from the external search engine (Fig. 1, item 154, Page 4, [0036] and [0041], lines 2 – 4, Awadallah); and

wherein performing the search of the history database includes:

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<sup>4</sup> Wherein the step of combining the listing of search results corresponds to the step of modifying the results claimed.



performing a local search of the history database without transmitting the search query on the network to obtain the second-search results (Col. 11, lines 59 – 64, Ortega).

Regarding Claims 9, the combination of Awadallah in view of Ortega discloses a method, wherein the adding the top one of the second search results further includes:

highlighting the top one of the second-search results at the prominent position in the first-search results (Page 4, [0045], lines 1 – 5, Awadallah; and Col. 7 and 8, lines 51 – 55 and 57 – 59; respectively, Ortega).

Regarding Claims 14, the combination of Awadallah in view of Ortega discloses a method, wherein the modifying the first one of the second-search results includes:

highlighting the one of the second-search results within the first-search results (Col. 7 and 8, lines 51 – 55 and 57 – 59; respectively, Ortega).

***Prior Art Made Of Record***

1. Awadallah et al. (US Patent App. Pub. 2005/0027699 A1, filed: August 1, 2003) discloses listings optimization using a plurality of data sources.
2. Microsoft Corporation (NPL: "Find and Return to Web Page You've Recently Visited", Posted March 26, 2003, Internet Explorer, Microsoft Corporation).
3. Milic-Frayling et al. (US Patent No. 6,968,332 B1, filed: May 25, 2000) discloses a facility for highlighting documents accessed through search or browsing.
4. Ortega et al. (Ortega hereinafter) (US Patent No. 6,489,968 B1, filed November 18, 1999).

***Points Of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna Colan whose telephone number is (571) 272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan  
Examiner  
Art Unit 2162  
May 11, 2007



JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100